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19 OCT 2005

10/529728

Docket No.: 070222-0014

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277  
Giovanni TRIBUZIO, et al. : Confirmation Number: 1980  
Application No.: 10/529,728 : Group Art Unit: Not yet assigned  
Filed: March 30, 2004 : Examiner: Not yet assigned  
For: A PROCESS FOR THE PRODUCTION OF WHEAT FLOUR

PETITION UNDER 37 CFR 1.47(a)

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

13 FEB 2006

Legal Staff  
International Division

10/24/2005 LLA/DGRA 00000064 500417 10529728

01 FC:1464 130.00 DA

This Petition Under 37 CFR 1.47(a) is being submitted because joint inventor Alberto Lodi has refused to sign a Declaration under Section 1.63 in support of the captioned non-provisional application.

This application lists four joint inventors, Giovanni Tribuzio, Alberto Lodi, Angelo Gottofredi and Roberto Ranieri. A Declaration under 37 CFR 1.63 has been executed by inventors Tribuzio, Gottofredi and Ranieri. However, execution of Declaration by inventor Lodi has not been obtained, as the inventor has refused to execute.

In support of this petition submitted herewith is a Declaration executed by inventors Tribuzio, Gottofredi and Ranieri, but not by inventor Lodi.

A diligent effort was made by Mr. Rinaldo Ferreccio of the firm of Botti & Ferrari in Milan, Italy, evidenced by the attached sworn statement by Mr. Ferreccio confirming non-receipt

BEST AVAILABLE COPY

of executed Declaration, together with (Exhibit A) an April 29, 2005 letter to inventor Lodi, requesting execution of Declaration, together with a copy of the Declaration forwarded and an English translation of the letter; (Exhibit B) a copy of mailing evidence of the April 29, 2005 letter to Mr. Lodi; and (Exhibit C) a copy of the signed confirmation of receipt of documents on May 16, 2005.

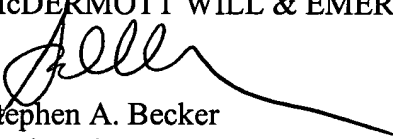
The last known address of inventor Alberto Lodi is Via Bellini, 48, I-43023 Monticelli (Parma), Italy.

Please charge the fee as set forth in 1.17(h) in the amount of \$130.00 to Deposit Account 500417.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

  
Stephen A. Becker  
Registration No. 26,527

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 SAB:cms  
Facsimile: 202.756.8087  
**Date: October 19, 2005**

**Please recognize our Customer No. 20277  
as our correspondence address.**

Docket No.: 070222-0014

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 20277
	:	
Giovanni TRIBUZIO, et al.	:	Confirmation Number: 1980
	:	
Application No.: 10/529,728	:	Group Art Unit: Not yet assigned
	:	
Filed: March 30, 2004	:	Examiner: Not yet assigned
	:	

For: A PROCESS FOR THE PRODUCTION OF WHEAT FLOUR

**DECLARATION OF RINALDO FERRECCIO**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Rinaldo Ferreccio, declare as follows:

1. I am a European Patent attorney representing the assignee and inventors in the captioned application.
2. On April 29, 2005, I forwarded a letter to inventor Alberto Lodi, requesting execution of enclosed Declaration and Power of Attorney. A copy of that letter, together with an English language translation, accompanies herewith as Exhibit A.
3. Exhibit B is a copy of mailing evidence of the April 29, 2005 letter to Mr. Lodi, and Exhibit C a signed confirmation of receipt of documents, executed by Ms. Graziella Brambati, wife of Mr. Lodi, dated May 16, 2005.
4. No execution of Declaration by Mr. Lodi has been achieved, nor do I expect Mr. Lodi to execute said Declaration.

**Application No.: 10/529,728**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10/17/2005

Date:

Rinaldo Ferreccio

Rinaldo Ferreccio

# EXHIBIT A



**BOTTI & FERRARI**

EUROPEAN PATENT ATTORNEYS\*  
BREVETTI & MARCHI

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C.F./P. IVA 12682390153  
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Egregio Signor  
**LODI Alberto**  
Via Bellini, 48  
43023 Monticelli (Parma)

**RACCOMANDATA A/R**

Milano, 29 aprile 2005

Ns rif.: **BRL194WUS/RF/sp**

Oggetto: **U.S.A.** - fase nazionale della domanda di brevetto PCT No.  
**PCT/EP03/10804** depositata il 29/09/03 dal titolo "A process  
for the production of wheat flour" (copia allegata)

Egregio Dottor Lodi,

Le scrivo per chiederLe la cortesia di voler firmare dove indicato il form  
"Declaration and Power of Attorney" che troverà allegato alla presente, allo  
scopo di perfezionare il deposito della fase nazionale statunitense della  
domanda in oggetto, di cui Lei è uno degli inventori designati.

Le chiedo dunque cortesemente di sottoscrivere tale documento e di  
riinviarmelo a stretto giro di posta.

Restando a disposizione per qualunque chiarimento, La ringrazio  
anticipatamente e Le porgo i miei più cordiali saluti.

**BOTTI & FERRARI**

Rinaldo Ferreccio

All. c.s.

**MILANO**

Mario Botti \*  
Barbara Ferrari \*  
Torquato Vannini \*  
Rinaldo Ferreccio \*  
Marco Zardi \*  
M. Caterina Spera  
Umberto Zambardino \*  
Roberto De Nova \*  
Loredana Portoghese  
Sabrina Fumagalli  
Antonio Zenti  
Stefano Sinigaglia  
Tamara Casci

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**M. Zardi & Co. S.A.**  
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(Switzerland)  
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**ABG PATENTS**  
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E-28020 MADRID  
(Spain)  
✉ informacion@abg-  
patentes.com

Mr.  
**LODI Alberto**  
Via Bellini, 48  
43023 Monticelli (Parma)

**return registered letter**

Milan, April 29, 2005

Our ref.: **BRL194WUS/RF/sp**

Re: **U.S.A.** - national phase of PCT patent application No.  
**PCT/EP03/10804** filed on 29/09/03 entitled "A process for the  
production of wheat flour" (copy attached)

---

Dear Mr. Lodi,

I am writing you to kindly ask you to sign, where indicated, the form  
"Declaration and Power of Attorney" you will find herewith attached, so as  
to complete the filing of the above-referred US national phase, of which you  
are one of the designated inventors.

Therefore, I kindly ask you to undersign such document and to send it  
back to me by post as soon as possible.

Keeping at disposal for any clarification, I thank you in advance and send  
you my best regards.

**BOTTI & FERRARI**  
Rinaldo Ferreccio

Encl.: as above

Docket No.: 070222-0014

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled A PROCESS FOR THE PRODUCTION OF WHEAT FLOUR, the specification of which

- ☐ is attached hereto.  
☒ was filed on \_\_\_\_\_ as United States Application Number \_\_\_\_\_, or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable), or  
☐ is a Continuation-In-Part (CIP) of Application Number , filed

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56 including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35, United States Code, Section 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's or plant breeder's right certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's, or plant breeder's rights certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

### Prior Foreign Applications(s):

Number	Country	Day/Month/Year filed	Priority Claimed
PCT/EP03/10804	PCT	September 29, 2003	<input checked="" type="checkbox"/> <input type="checkbox"/>

I hereby claim the benefit under 35 United States Code, Section 119(e) of any United States provisional application(s) listed below.

### Prior Provisional Application(s):

Application Number	Filing Date
--------------------	-------------



I hereby claim the benefit under 35, United States Code, Section 120 of any United States application(s) or 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35, United States Code, Section 112. I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U.S. Application(s):**

Application No.

Filing Date

Status: Patented, Pending, Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the registered practitioners of McDermott Will & Emery LLP, included in the Customer Number provided below, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**CUSTOMER NUMBER 20277**

Send correspondence to the address associated with Customer Number 20277

McDermott Will & Emery LLP  
600 13th Street, N.W.  
Washington, D. C. 20005-3096

Direct Telephone Calls to: Telephone 202.756.8000

---

Full name of sole or first inventor: Giovanni Tribuzio

---

Inventor's signature:

Date:

---

Residence: Foggia, Italy

---

Citizenship: Italian

---

Post Office Address: Via Telesforo, 31, I-71100 Foggia, Italy

---

Full name of second inventor: Alberto Lodi

Inventor's signature: X

Date: X

Residence: Monticelli (Parma), Italy

Citizenship: Italian

Post Office Address: Via Bellini, 48, I-43023 Monticelli (Parma), Italy

Full name of third inventor: Angelo Gottofredi

Inventor's signature:

Date:

Residence: Fidenza (Parma), Italy

Citizenship: Italian

Post Office Address: Via Guareschi, 18/a, I-43036 Fidenza (Parma), Italy

Full name of fourth inventor: Roberto Ranieri

Inventor's signature:

Date:

Residence: Colomo (Parma), Italy

Citizenship: Italian

Post Office Address: Via Sanguigna, 130, I-43052 Colomo (Parma), Italy

# EXHIBIT B

BRL194WUS/SP

# Posteitaliane

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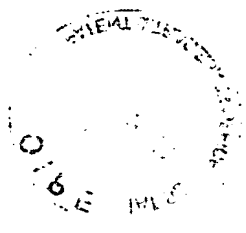
DESTINATARIO	ALBERTO LODI		
	DESTINATARIO		
	VIA BELLINI	48	
	VIA / PIAZZA	N° CIV.	
MITTENTE	43023	MONTECELLI	PR
	C.A.P.	COMUNE	PROV.
	BOTTI & FERRARI SVI		
	MITTENTE		
	VIA LOCATELLI	5	
	VIA / PIAZZA	N° CIV.	
	20124	MILANO	MI
	C.A.P.	COMUNE	PROV.
SERVIZI ACCESSORI RICHIESTI		<input type="checkbox"/> Via aerea <input checked="" type="checkbox"/> A.R.	
Contrassegnare la casella interessata		<input type="checkbox"/> Assegno € ..... (in cifre)	

Sez. 8 Num. Oper. 146  
MILANO APORTI 38/237 04/05/05 13.31 Fraz. 38237  
Tariffa € 3,70 Affr. € 3,70 AR

Bollo  
(accettazione manuale)

TASSE

# EXHIBIT C



Avviso di ricevimento

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☐ Assicurata Euro \_\_\_\_\_

TASSA POSTALE  
12766214159

Numero

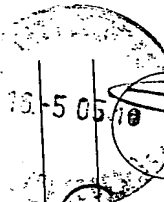
MILANO APORT 38/237 Sez. 8

Data di spedizione 04/05/05 Dall'ufficio postale di \_\_\_\_\_

Destinatario ALBERTO LODI

Via VIA BELLINI 48

C.A.P. 43023 Località MONTICELLI (PARMA)



16-05-2005  
Giordano Brambilla L. moglie autorizzata

Firma per esteso del ricevente Data Firma dell'incaricato alla distribuzione Bollo dell'ufficio di distribuzione

(Nome e Cognome)

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☐ Sottoscrizione rifiutata

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